

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED
MAY 31 P 12:59
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

V.

OSCAR FLORES,
JONATHAN JUAREZ-HERNANDEZ
a/k/a Antonio, and
OLIVIA HERNANDEZ-GALVAN,

DEFENDANT(S).

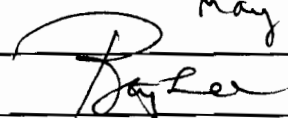
SUPERSEDING INDICTMENT

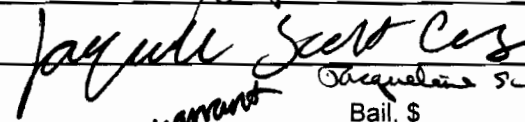
18 U.S.C. § 1028(a)(1) - Production of False Identification Documents;
18 U.S.C. § 1028(a)(2) - Transfer of False Identification Documents;
18 U.S.C. § 1028(a)(5) - Possession of Document Making Implement;
18 U.S.C. § 2 - Aiding and Abetting;
18 U.S.C. § 928(a)(2)(B) - and 1028(b)(5) Criminal Forfeiture

A true bill.


Foreman

Filed in open court this 31st day of
May 2011


BETTY P. LEE
Clerk


Jaymie Scott Corley, US Magistrate Judge
Bail, \$

No bail ~~on~~ ^{on} as to Olivia Hernandez-Galvan
No process as to Oscar Flores and
Jonathan Juarez Hernandez

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

Count 1-6: Title 18 U.S.C. Sections 1028(a)(1)-(2), and (5), and 2.

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: Per count: Maximum Prison Term of 15 Years, or \$250,000 Fine, or Both; 3 years supervised release

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

US v. OSCAR FLORES

DISTRICT COURT NUMBER

11-0274 WHA

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

U.S. Immigration and Customs Enforcement

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

11-0274 WHA

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) SAUSA Patricia Spaletta

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)
- ☐
- If not detained give date any prior summons was served on above charges
-
- 2)
- ☐
- Is a Fugitive
-
- 3)
- ☐
- Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)
- ☒
- On this charge
-
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
-
- 6)
- ☐
- Awaiting trial on other charges
-
- If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST Month/Day/Year 4/12/11

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 Counts 2-6: Title 18 U.S.C. Sections 1028(a)(1)-(2), and (5),
 and 2.

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY: Per count: Maximum Prison Term of 15 Years, or \$250,000 Fine, or
 Both; 3 years supervised release

Name of District Court, and/or Judge/Magistrate Location

 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION
DEFENDANT - U.S.

US v. JONATHAN JUAREZ-HERNANDEZ aka Antonio

DISTRICT COURT NUMBER

11-0274 WHA

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

U.S. Immigration and Customs Enforcement

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.

11-0274 WHA

☒ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

SAUSA Patricia Spaletta

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Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior
 summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer ☐ Yes
 been filed? ☐ No

 If "Yes"
 give date
 filed
DATE OF
ARREST
 Month/Day/Year
 4/12/11

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
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☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 * Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

Counts 4 and 6: Title 18 U.S.C. Sections 1028(a)(1) and (5), and 2.

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: Per count: Maximum Prison Term of 15 Years, or \$250,000 Fine, or Both; 3 years supervised release

Name of District Court, and/or Judge/Magistrate Location

 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION
DEFENDANT - U.S.

US v. OLIVIA HERNANDEZ-GALVAN

DISTRICT COURT NUMBER

11-0274 WHA

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

U.S. Immigration and Customs Enforcement

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

3 11 70426

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) SAUSA Patricia Spaletta

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- If not detained give date any prior summons was served on above charges
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- 2)
- ☒
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- 3)
- ☐
- Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)
- ☐
- On this charge
-
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
-
- 6)
- ☐
- Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

MELINDA HAAG (CABN 132612)
United States Attorney

FILED
2011 MAY 31 P 12:59
RICHARD H. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

OSCAR FLORES,
JONATHAN JUAREZ-HERNANDEZ,
a/k/a Antonio, and
OLIVIA HERNANDEZ-GALVAN,

Defendants

Criminal No.: 11-0274 WHA

VIOLATIONS: Title 18, United States Code,
Section 1028(a)(1) - Production of False
Identification Documents; Title 18, United
States Code, Section 1028(a)(2) - Transfer of
False Identification Documents; Title 18,
United States Code, Section 1028(a)(5) -
Possession of Document making Implement;
Title 18, United States Code, Section 2 -
Aiding and Abetting; Title 18, United States
Code, Sections 982(a)(2)(B), and 1028(b)(5) -
Criminal Forfeiture

SAN FRANCISCO VENUE

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 1028(a)(2) - Transfer of False Identification Documents)

On or about November 12, 2010, in the Northern District of California, the defendant,

OSCAR FLORES,

did knowingly transfer identification documents, authentication features, and false identification

SUPERSEDING INDICTMENT

documents, to wit: a permanent resident card and social security card, knowing that such documents were produced without lawful authority and appeared to be issued by and under the authority of the United States; all in violation of Title 18, United States Code, Section 1028(a)(2).

COUNT TWO: (18 U.S.C. § 1028(a)(1) - Production of False Identification Documents);
(18 U.S.C. § 2 - Aiding and Abetting)

On or about December 21, 2010, in the Northern District of California, the defendants,

OSCAR FLORES, and
JONATHAN JUAREZ-HERNANDEZ,
a/k/a Antonio,

did knowingly and without lawful authority produce identification documents, authentication features, and false identification documents, to wit: two permanent resident cards and two social security cards, that appeared to be issued by and under the authority of the United States; all in violation of Title 18, United States Code, Sections 1028(a)(1) and 2.

COUNT THREE: (18 U.S.C. § 1028(a)(2) - Transfer of False Identification Documents);
(18 U.S.C. § 2 - Aiding and Abetting)

On or about December 21, 2010, in the Northern District of California, the defendants,

OSCAR FLORES, and
JONATHAN JUAREZ-HERNANDEZ,
a/k/a Antonio

did knowingly transfer identification documents, authentication features, and false identification documents, to wit: two permanent resident cards and two social security cards, knowing that such documents were produced without lawful authority and appeared to be issued by and under the authority of the United States; all in violation of Title 18, United States Code, Section 1028(a)(2) and 2.

COUNT FOUR: (18 U.S.C. § 1028(a)(1) - Production of False Identification Documents);
(18 U.S.C. § 2 - Aiding and Abetting)

On or about March 17, 2011, in the Northern District of California, the defendants,

OSCAR FLORES, and
JONATHAN JUAREZ-HERNANDEZ,
a/k/a Antonio, and
OLIVIA HERNANDEZ-GALVAN,

did knowingly and without lawful authority produce identification documents, authentication

features, and false identification documents, to wit: two permanent resident cards and two social security cards, that appeared to be issued by and under the authority of the United States; all in violation of Title 18, United States Code, Sections 1028(a)(1) and 2.

COUNT FIVE: (18 U.S.C. § 1028(a)(2) - Transfer of False Identification Documents);
(18 U.S.C. § 2 - Aiding and Abetting)

On or about March 17, 2011, in the Northern District of California, the defendants,

OSCAR FLORES, and
JONATHAN JUAREZ-HERNANDEZ,
a/k/a Antonio,

did knowingly transfer identification documents, authentication features, and false identification documents, to wit: two permanent resident cards and two social security cards, knowing that such documents were produced without lawful authority and appeared to be issued by and under the authority of the United States; all in violation of Title 18, United States Code, Sections 1028(a)(2).

COUNT SIX: (18 U.S.C. § 1028(a)(5) - Possession of Document Making Implement);
(18 U.S.C. § 2 - Aiding and Abetting)

From on or about December 21, 2010, to on or about April 12, 2011, in the Northern District of California, the defendants,

OSCAR FLORES, and
JONATHAN JUAREZ-HERNANDEZ,
a/k/a Antonio, and
OLIVIA HERNANDEZ-GALVAN,

did knowingly possess a document-making implement, to wit, a laminating device, computer hardware, a paper cutter, and a printer, with the intent that the implement would be used in the production of false identification documents, and the document-making implement was designed and suited for making false identification documents that appeared to be issued by and under the authority of the United States; all in violation of Title 18, United States Code, Sections 1028(a)(5) and 2.

FORFEITURE ALLEGATION: (18 U.S.C. §§ 982(a)(2)(B), and 1028(b)(5) - Criminal Forfeiture)

1. Upon conviction of one or more of the offenses alleged in Counts One through Six of this Superseding Indictment, defendants shall forfeit to the United States, pursuant to 18

U.S.C. § 982(a)(2)(B) and property constituting, or derived from, proceeds obtained directly or indirectly, as the result of such violation(s), and, pursuant to Title 18, United States Code, Section 1028(b)(5), any personal property used or intended to be used to commit the offenses;

2. If any of the property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty.

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1) and 1028(g).

All pursuant to 18 U.S.C. §§ 982(a)(2)(B), and 1028(b)(5).

DATED:

A TRUE BILL.

5-31-11

FOREPERSON

MELINDA HAAG
United States Attorney

ELISE BECKER
Chief, Special Prosecutions and National Security

(Approved as to form: PATRICIA SPALETTA
Special Assistant United States Attorney